

73-10e-1. Creation of Water Development and Flood Mitigation Reserve Account -- Appropriation.

(1) There is created within the General Fund a restricted account known as the "Water Development and Flood Mitigation Reserve Account."

(2) There is appropriated for fiscal year 1984-85 \$55,000,000 from the General Fund and \$6,000,000 from certificates of participation to the Water Development and Flood Mitigation Reserve Account. This appropriation may not lapse and shall carry over to fiscal year 1985-86.

(3) There is appropriated for fiscal year 1985-86 \$35,000,000 from the General Fund to the Water Development and Flood Mitigation Reserve Account.

(4) There is appropriated for fiscal year 1984-85 \$4,050,000 from the Water Development and Flood Mitigation Reserve Account to the Division of Water Resources to use for all of the following:

(a) \$2,000,000 for final engineering studies for west desert pumping;

(b) \$500,000 for implementation of the State Water Plan, including, but not limited to, engineering studies on Bear River upstream diversion and storage projects and Hatch Town Reservoir;

(c) (i) \$750,000 to prepare final design reports and cost estimates for the following:

(A) Option A - No. Davis WWTP, West Kaysville, Centerville, Bard, West Bountiful, So. Davis No. WWTP, Phillips, Woods Cross, Jordan River WWTP, and the Salt Lake International Airport; and

(B) Option B - Antelope Island roadway dikes.

(ii) It is the intent of the Legislature to choose between Options A and B after the final design reports are completed. The final design reports for Option B shall be completed by consultants other than those who prepared the original report. The reports for both Options A and B shall clearly indicate the following for each alternative:

(A) estimated construction costs;

(B) estimated costs of operation and maintenance;

(C) estimated time necessary for completion;

(D) benefits with respect to flood control, tourism, recreation, long-term second use, and new access to Antelope Island and marsh lands; and

(E) impact on roads and esthetic land features during construction.

(d) \$250,000 to prepare final design reports for the following projects: Corrine-WWTP, Plain City-WWTP, Perry-WWTP, and Little Mtn.-WWTP;

(e) \$500,000 to construct the South Shore project; and

(f) \$50,000 to reevaluate inter-island diking between South Shore, Antelope Island, Fremont Island, and Promontory Point.

(5) There is appropriated for fiscal year 1984-85 \$16,300,000 from the Water Development and Flood Mitigation Reserve Account to the Community Development/Disaster Relief Board for the following:

(a) \$4,000,000 to use as a match on diking projects built by the Army Corps of Engineers; and

(b) (i) \$12,300,000 to provide grants to appropriate governmental entities to increase the carrying capacity of the Jordan River. The grants shall be made without requiring matching funds from any other governmental entity and shall only be made if

an agreement is entered into by the affected governmental entities resolving disputed issues of responsibility. It is the intent of the Legislature to consider the distribution of the 1/8% sales and use tax increase as the contribution from the affected governmental entities.

(ii) Any portion of the \$12,300,000 appropriated under Subsection (5)(b)(i) which is not used for the purposes described in that subsection shall be transferred to the Division of Parks and Recreation for the purposes described in Section 79-4-802. After this money is transferred to the Division of Parks and Recreation, the money is nonlapsing. The money may not be used for any project specified by the Division of Parks and Recreation until the political subdivision having jurisdiction over the appropriate area contributes 50% of the costs of the project to the state. This contribution may be in the form of money, property, or services, or any combination of these, which can be used for the specified project.

(6) Interest accrued on the money appropriated into the Water Development and Flood Mitigation Reserve Account shall be deposited into the Water Resources Conservation and Development Fund as the interest accrues.

(7) All money not appropriated from the Water Development and Flood Mitigation Reserve Account by September 1, 1985, shall be deposited into the Water Resources Conservation and Development Fund.

Amended by Chapter 344, 2009 General Session

73-10e-2. Requirement to obtain rights-of-way and easements.

It is the intent of the Legislature that the money appropriated into the Water Development and Flood Mitigation Reserve Account in Section 73-10e-1 may not be spent for construction of dikes until all necessary rights-of-way and easements are obtained for each individual diking project by the impacted local government entities in which the diking projects are located.

Amended by Chapter 20, 1995 General Session

73-10e-3. Requirement to provide engineering studies.

Local government entities in which the projects described in Subsection 73-10e-1(4)(c)(i)(A) and Subsection 73-10e-1(4)(d) are located, shall immediately make all engineering studies which may be useful for the final design and construction of the projects, available to the state at no cost to the state.

Amended by Chapter 20, 1995 General Session

73-10e-4. Authority to transfer funds.

The Division of Water Resources may transfer money to the Department of Transportation, as necessary under this chapter, to construct projects whose purposes are primarily to protect state highways or to study or construct Option B set forth in Subsection 73-10e-1(4)(c)(i)(B).

Amended by Chapter 20, 1995 General Session